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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,569	12/12/2003	Gary Dean Plankell	24292.002	1862
7590	06/28/2005		EXAMINER	
Jeffrey S. Whittle Bracewell & Patterson, LLP P.O. Box 61389 Houston, TX 77208-1389				ESTRADA, ANGEL R
		ART UNIT		PAPER NUMBER
		2831		

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/734,569	PLANKELL, GARY DEAN
	Examiner	Art Unit
	Angel R. Estrada	2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 April 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-50 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1-32 is/are allowed.
 6) Claim(s) 33-36,38-42 and 46-50 is/are rejected.
 7) Claim(s) 37 and 43-45 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/12/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on December 12, 2003 has been considered by the Examiner.

Claim Objections

2. Claims 43-45 are objected to because of the following informalities:

Claim 43 line 9, change "an power outlet" to --a power outlet--.

Claims 44 and 45 are included because of their dependency.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-35, 38 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Lathrob (US 4,613,728).

Regarding claim 33, Lathrop discloses an apparatus (see figure 1) comprising: a base housing (10) having a base open front, a base backwall, and a plurality of base sidewalls extending between the base open front and the base backwall (see figure 1), each of the plurality of base sidewalls having an exterior surface (see figure 1); a power

outlet housing (11) connected to the exterior surface of a first base sidewall of the plurality of base sidewalls of the base housing (10) to thereby reduce overall depth of a combination of the base housing and the power outlet housing within the building structure (see figure 1); and a wall mounting flange (22) having first and second mounting plates (see figure 1), the first mounting plate of the wall mounting flange connected to the exterior surface of a second base sidewall of the plurality of base sidewalls (see figure 1), the second mounting plate adapted to be connected to a wall stud of the building structure (see figure 1).

Regarding claim 34, Lathrop discloses an apparatus (see figure 1) comprising: a base housing (10) having a base open front, a base backwall, and a plurality of base sidewalls extending between the base open front and the base backwall (see figure 1) and a base inner chamber therein positioned between the base backwall and plurality of base sidewalls so that the base open front provides access to the base inner chamber (see figure 1), the base open front being sized large enough to allow the passage into and storage in the inner chamber of an alternating current power plug and an alternating current power cord (see figure 1), at least one of the plurality of base sidewalls positioned transverse to and extending between the base open front and the base backwall of the base housing and having at least one power outlet aperture adapted to receive an alternating current female electrical power outlet therein (see figure 1); and a power outlet housing (11) connected to the first base sidewall of the base housing and having an auxiliary inner chamber therein positioned to interface with the at least one power outlet aperture of the first base sidewall of the base housing (see

figure 1) to thereby reduce overall depth of a combination of the base housing and the power outlet housing within at least one of a furniture and a building structure (see figure 1).

Regarding claim 35, Lathrob discloses the apparatus, further comprising a base housing cover plate (36) positioned to cover the base open front of the base housing (10) to enclose major lengthwise extents of the alternating current power cord when connected to the alternating current power plug within the base inner chamber of the base housing (see figure 1) so that the major lengthwise extents of the alternating current power cord are not readily visible outside of the base housing, and wherein the base housing cover plate (36) has at least one cord channel (44) formed therein and adapted to allow passage of the alternating current power cord therethrough (see figure 1).

Regarding claim 38, Lathrop discloses the apparatus wherein the plurality of base sidewalls of the base housing (10) further includes a second base sidewall having an outer surface positioned opposite the first base sidewall of the base housing (see figure 1), and wherein the apparatus further comprises a mounting flange (22) connected to the outer surface of the second base sidewall to thereby provide connection of the base housing to the at least one of a furniture and a building structure (see figure 1).

Regarding claim 40, Lathrop discloses the apparatus (see figure 1), wherein the power outlet housing (11) further includes a power outlet open front to provide access to the auxiliary inner chamber (see figure 1), and wherein the apparatus further comprises

a power outlet cover plate (16) positioned in the base inner chamber of the base housing and positioned to overlie portions of the power outlet open front of the power outlet housing (see figure 1) and inner surface portions of the first base sidewall and having a power outlet cover aperture (25) extending therethrough to provide access to the at least one female power outlet when positioned in the auxiliary inner chamber of the power outlet housing (see figure 1).

4. Claims 46-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Eiken (US 5,621,788).

Regarding claim 46, Eiken discloses a method (see figure 6) for installing a telephone in a building structure to provide reduced wiring visualization exposure, the method comprising the steps of connecting a male telephone jack connector (see figure 6) to a female telephone jack (14) positioned in a base inner chamber of an outlet housing (12) recessed within an interior wall of the building structure (see figure 6) and having a base housing (see figure 1) and a power outlet housing (48), by passing the male telephone jack connector (see figure 6) through a base open front of the base housing to engage the female telephone jack (14); connecting the alternating current power plug (26) to an alternating current female electrical power outlet (16) positioned within the outlet housing by passing the alternating current power plug (26) through the base open front of the base housing to engage the alternative current female electrical power outlet (see figure 6); and positioning major lengthwise extents of a telephone cord (see figure 6) connected to the male telephone jack connector (see figure 6) and

alternating current power cord (see figure 6) connected to the alternating current power plug (26) within the base inner chamber of the base housing (see figure 6).

Regarding claim 47, Eiken discloses the method, further comprising the step of: connecting a base housing cover plate (18) for the base housing to a plurality of base housing cover plate connection supports (20) positioned within a base inner chamber of the base housing (see figure 6) to cover a base open front of the base housing, the base housing cover plate (18) having at least one cord channel (22) formed in a peripheral region of the base housing cover plate (18) adapted to allow passage of the alternating current power cord and the telephone cord, therethrough (see figure 6).

Regarding claim 48, Eiken discloses a method for using a telephone in a building structure to visualization exposure (see figure 6), the method comprising the steps of: provide reduced wiring extracting from within a base inner chamber of a base housing (12) recessed within a building interior wall a telephone cord and an alternating current power cord positioned therein (see figure 6), and passing the cords through a cord channel (22) in a base housing cover plate (18) as necessary to provide sufficient cord to connect a proximal male telephone jack connector (see figure 6) connected to the telephone cord and a low voltage power connector (26) connected to the alternating current power cord to a base station of the telephone (see figure 6), connecting the base station of the phone to the proximal male telephone jack connector of the telephone cord (see figure 6) and low voltage current power connector of the alternating current power cord (see figure 6); and connecting a plurality of wall hanging slots of the base station to a plurality of base housing cover plate (18) telephone base

station mounts (20) to thereby mount the telephone to the interior wall of the building structure (see figure 6).

Regarding claim 49, Eiken discloses the method, further comprising the step of: passing excess extracted telephone cord and alternating current power cord (see figure 6) through the cord channel (22) in the base housing cover plate (18) back into the base inner chamber as necessary to further reduce wiring visualization exposure of excess extracted telephone and alternating current power cord (see figure 6).

Regarding claim 50, Eiken discloses the method, further comprising to step of pre-connecting the distal male telephone jack connector (see figure 6) of the telephone cord and alternating current power plug (26) of the alternating current power cord within the base inner chamber of the base housing (see figure 6).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lathrob (US 4,613,728) in view of Eiken (US 5,621,788).

Regarding claim 36, Lathrob discloses the claimed invention except for the base housing cover plate has means for mounting a base station of the cordless device. Eiken teaches an apparatus (see figure 1) comprising a base housing (12) and a base

housing cover plate (18), said cover plate (18) having means (20) for mounting a base station of a cordless device to the base housing cover plate adapted to connect the base station to the base housing cover plate (18) when the base housing cover plate is positioned to cover the base open front of the base housing (see figure 1).

Regarding claim 41, Lathrob discloses the claimed invention except for the top base having pre-scored surfaces adapted to be detached. Eiken teaches an apparatus comprising a base housing (12) having a plurality of base sidewalls and a top base sidewall (see figure 7) positioned transverse to and extending between a base open front and a base backwall of the base housing (see figure 6) and having a pre-scored surface (42) adapted to be detached by a user to form a base inner chamber defining a removable base inner chamber knockout (column 3 lines 4-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the top base with pre-scored surfaces adapted to be detached as taught by Eiken to provide the base housing with a top aperture for inserting and securing electrical/data device.

6. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lathrob (US 4,613,728) in view of Boteler (US 4,062,470).

Regarding claim 39, Lathrob discloses the claimed invention except for a sidewall having an upper and lower rail where a mounting flange is slidably connected. Boteler disclose an apparatus (see figure 1) comprising a base housing having a pluralities of sidewalls, at least one sidewall (20) having upper rail (22), a lower rail (22) substantially parallel to and spaced apart from the upper rail (see figure 1), the upper rail (20) and

lower rail (20) having adjacent first and second ends (see figure 1), and a lateral stop (24) adjacent an end of the upper and lower rails (see figure 1), wherein the apparatus further comprises a mounting flange (28) having first and second mounting plates (28a, 28b), and wherein the first mounting plate (28a) of the mounting flange is slidably connected to the exterior surface of the second base sidewall along the upper rail (see figure 1), the lower rail, and the lateral stop to provide for quick mounting of the mounting flange to and removal from the base housing (see figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Lathrob's housing with a sidewall having an upper and lower rail where a mounting flange is slidably connected as taught by Boteler to provide means for facilitating the connection between the base housing and the mounting flange.

7. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lathrob (US 4,613,728) in view of Carson et al (US 5,189,259; hereinafter Carson 4,062,470).

Regarding claim 42, Lathrob discloses the claimed invention except for the apparatus comprising means for connecting the base housing cover plate to the base housing including a quick disconnect means without using any tools. Carson teaches an apparatus (see figure 5) comprising means for connecting a base housing cover plate (10) to a base housing (16) including a quick disconnect means (58,60,62,64) for disconnecting the base housing cover plate (10) from the base housing (16) without tools. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Lathrop's apparatus with means for connecting the

base housing cover plate to the base housing including a quick disconnect means without using any tools as taught by Carson to provide means that would facilitate the attaching of the cover plate with the base housing.

Allowable Subject Matter

8. Claims 1-32 are allowed.

Claims 43-45 would be allowable if rewritten or amended to overcome the Objection(s) under Claim Objections, set forth in this Office action.

Claim 37 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 1-32, 37 and 43-45 are:

Regarding claims 1-13, the prior art does not teach or fairly suggest in combination with the other claimed limitations an apparatus for mounting a cordless telephone comprising a power outlet housing connected to the first base sidewall of the base housing and having a power outlet open front, a power outlet backwall, a plurality of power outlet sidewalls extending between the power outlet open front and the power outlet backwall, and an auxiliary inner chamber therein positioned between the power outlet backwall and the plurality of power outlet sidewalls so that the power outlet open front provides access to the auxiliary inner chamber, the power outlet open front of the power outlet housing being positioned to interface with the at least one power outlet

aperture of the first base sidewall of the base housing to thereby reduce overall depth of the combination base housing and power outlet housing within the building structure, at least one of the plurality of power outlet sidewalls and the power outlet backwall having a building structure alternating current electrical wiring aperture adapted to allow passage of building structure alternating current electrical wiring to connect to and supply electrical power to the alternating current female electrical power outlet when positioned therein;

Regarding claim 14-30, the prior art does not teach or fairly suggest in combination with the other claimed limitations an apparatus for mounting a cordless telephone comprising a power outlet housing connected to the first base sidewall of the base housing and having an auxiliary inner chamber therein positioned to interface with the at least one power outlet aperture of the first base sidewall of the base housing to thereby reduce overall depth of a combination of the base housing and the power outlet housing within a building structure.

Regarding claims 31 and 32, the prior art does not teach or fairly suggest in combination with the other claimed limitations an apparatus for mounting a cordless telephone comprising a power outlet housing connected to the exterior surface of one of the plurality of base sidewalls of the base housing to thereby reduce overall depth of a combination of the base housing and the power outlet housing when recessed within the building structure.

Regarding claim 37, the prior art does not teach or fairly suggest in combination with the other claimed limitations an apparatus for mounting a cordless telephone

wherein the first base sidewall has an outer surface including a transversely extending upper rail, a lower rail substantially parallel to and spaced apart from the upper rail, the upper rail and lower rail having adjacent first and second ends, and a lateral stop adjacent one of the first and second ends of the upper and lower rails, wherein the power outlet housing includes an upper flange and a lower flange substantially parallel to and spaced apart from the upper flange and positioned adjacent the power outlet open front of the power outlet housing, and wherein the power outlet housing is slidably connected to the outer surface of the first base sidewall along the upper and lower flanges between the upper rail, lower rail, and lateral stop of the base housing to provide for quick mounting and removal of the power outlet housing from the base housing.

Regarding claims 43-45, the prior art does not teach or fairly suggest in combination with the other claimed limitations a method for mounting an outlet housing for a telephone in building structure comprising the steps of providing a power outlet housing having a power outlet open front, a power outlet backwall, and a plurality of power outlet sidewalls extending between the power outlet open front and the power outlet backwall forming an auxiliary inner chamber therein; connecting the power outlet housing to the first base sidewall so that the power outlet open front interfaces with the at least one power outlet aperture of the first base sidewall to thereby reduce overall depth of the outlet housing within the building structure.

These limitations were found in claims 1-32, 37 and 43-45, and are neither disclosed nor taught by the prior art of record, alone or in combination.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sapienza (US 5,596,174), Boatwright et al (US 3,749,815), Ware (US 3,622,029), Lathrop (US 4,758,687), Engel (US 6,207,895), Smith et al (US 5,289,934) and Sciammarella et al (US 5,419,716) disclose an apparatus for having electrical and communication connector within a housing.

10. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 23, 2005

Angel R. Estrada
Angel R. Estrada
Patent Examiner
Art Unit: 2831